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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/939,442	09/29/1997	II-JU NA	Q46562	3896

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WASHINGTON, DC 200373202

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/21/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
08/939,442Applicant(s)
Na et alExaminer
Christopher O. OnuakuArt Unit
2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Apr 24, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
(See attached)

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 13-16, 46, 47, 51, and 52

Claim(s) rejected: 1-12, 17-45, 48-50, and 53-68

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Response to Arguments

1. Applicant's arguments filed 4/24/03 have been fully considered but they are not persuasive.

Applicant argues: "... that nowhere does Saib teach or suggest that IRD 310 generates a command, based on a recording or control command received from the remote control 315, which is transmitted to the analog VCR 330 in order to cause the VCR 330 to record a desired broadcast channel. Rather, the remote control 315 generates commands which cause the IRD 310 to produce various electronic guide screen which are displayed on the television 320 so that a user may select a particular channel to be decoded at a future time for recording. In response to commands from the remote control 315, the IRD 310 stores data indicating that a selected channel is decoded at future time in order to transfer the decoded analog and video data of the selected channel to the VCR 330 for recording. However, the IRD 310 does not transfer any commands to the analog VCR 330. Rather, the analog VCR 330 must be separately programmed to start recording at the selected time."

In response, examiner refers the applicant to the examiner's response to applicant's arguments of the last Office Action and reiterates that as shown in the rejections, Saib discloses a receiving means (see Fig.3&4) which includes a remote controller 315, integrated receiver/decoder (IRD) 310, antenna 305, TV 320 and VCR 330. A recording command, for

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example, from the remote controller causes a show to be recorded in the VCR 330. The IRD 310 receives the remote control recording command, and through the IRD tuner, a user can receive a desired broadcast channel signal, the received signal is decoded by IRD and forwarded to the VCR for recording. IRD 310 can receive commands from remote control means and can also be connected to a VCR through the IEEE-1394 digital interface. All the remote controller does is to initiate a record command or a display command. It is the IRD 310 that causes the tuner to tune to the channel that carries the desired channel, causes the VCR to record the desired program or the display means to display the desired information. The tuning, recording, and displaying are all commands from the IRD 310 to the tuner, the VCR and the display means, which are based on the command initiated by the remote control means.

Additionally, Saib discloses that IRD 310 can be connected to a VCR, for example, through the IEEE 1394 interface. When the IRD 310, based on the command entered through a remote control means, command controls the VCR 330 through the IEEE 1394 interface to record a desired program, the IRD 310 is in effect generating a recording control command. And, inherently the IEEE-1394 digital interface conforms to asynchronous transfer of control data. To provide the commands and achieve the recording of the desired show (program), the control command is not included in the PSI of the transport stream.

In other words, Saib discloses a receiving system that can tune to desired channels to receive a program, through a control command sent by a user through a remote control means,

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and then record, for example, the program in a recording means, wherein the control command is not included in program specific information (PSI) of the transport stream.

Applicant's argument with respect to Yanagihara is moot because Yanagihara was not cited for disclosing the limitation "... wherein the control command is not included in program specific information (PSI) of the transport stream."

Also, applicant's argument that none of the references discloses a system which allows a user to input a program number of an intended program which is transferred from a receiver to a recording/reproducing device via a control command is moot because such a limitation is not explicitly in the claims.

With reference to claim 3, and as shown in the rejections, Yanagihara discloses the claimed invention of claim 3 except wherein the program information is not included in program specific information (PSI) of the transport stream, which as shown in claim 1 Saib discloses. When Yanagihara is modified with Saib, it would have been obvious that Yanagihara would encompass the teachings of Saib.

With reference to applicant's argument that Yanagihara and Saib are not combinable, it is pertinent to point out that the test for obviousness is not whether the features of the reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the references make obvious to one of ordinary skill in the art. In re Bozek, 163 USPQ 545, (CCPA 1969); In re Richman, 165 USPQ 509, (CCPA 1970); In re Beckum, 169 USPQ 47, (CCPA 1971); In re Sneed, 710 F.2d 1544, 218 USPQ 385.

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With reference to claim 26, Saib clearly discloses the limitations of claim 26 because the process and sequence of initiating and recording a program, for example, includes receiving a command from the remote control, a first interrupt request signal is transferred corresponding to the first command directly to the CPU 525 or indirectly through a queuing mechanism. With this interrupt signal and subsequent interrupt signals, either the current broadcast is selected or a future broadcast is selected based on where the cursor is positioned when the select button is depressed. Examiner reads the positioning of the cursor following the different option grids as granting the permission to select a particular program to be recorded, for example. And, when a particular program is selected to be recorded, the recording process is initiated and the VCR is notified through which the VCR is readied for the recording operation.

The applicant's arguments with reference to independent claims 22, 30, 31, 34, 35, 48, 58, 62, 67 & 68 are similar to the arguments with reference to independent claims 1, 3 & 26. Therefore, the examiner's response above to the applicant's arguments with reference to independent claims 1, 3 and 26 accommodates applicant's arguments with reference to independent claims 22, 30, 31, 34, 35, 48, 58, 62, 67 & 68.

The rejections are, therefore, maintained.

Conclusion

2. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The

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examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

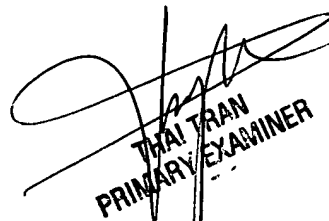
(703) 872-9314, (for formal communications intended for entry)
and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to Customer Service whose telephone is (703) 306-0377.


COO

5/11/03


THAI TRAN
PRIMARY EXAMINER